

NARCONON CHILOCCO
NEW LIFE CENTER,
Appellant

v.

ANADARKO AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal as Premature
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: Docket No. IBIA 94-177-A
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:
: September 15, 1994

On September 14, 1994, the Board of Indian Appeals received a notice of appeal and statement of reasons from Narconon Chilocco New Life Center, through its President, Gary W. Smith. Appellant seeks review of a September 2, 1994, letter of the Anadarko Area Director, Bureau of Indian Affairs, concerning Lease No. 14-20-0207-7517 between Narconon International, Inc., and the Chilocco Development Authority. The Area Director's letter lists certain alleged lease violations and states that Narconon "has ten (10) days to either bring the lease into compliance by paying \$68,650 or to show cause why the lease should not be cancelled." The letter further states: "If Narconon fails to either pay the unpaid compensation or to show cause why the lease should not be [cancelled] for non-payment of the unpaid compensation within 10 days, the lease cancellation will commence immediately thereafter."

Appellant's filing is addressed to the Area Director, and its contents indicate that it may have been intended as a response to the Area Director's show cause notice. However, because appellant identified it as a notice of appeal and sent a copy to the Board, the Board must assume that appellant did in fact intend to file an appeal with the Board.

The Area Director's letter was clearly intended as the written notice of violation called for in 25 CFR 162.14. That section provides that if, after being given such written notice, the lessee fails to take corrective action or to show cause why a lease should not be cancelled, BIA may cancel the lease, at which time a right to appeal arises under 25 CFR Part 2. It is clear from section 162.14 that BIA's initial notice of lease violation is a preliminary notice and not a decision from which an appeal may be taken.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed under the case number shown above but is dismissed as premature. Should the Area Director proceed to cancel Narconon's lease, an appeal may be taken from that decision.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge